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17380/1206

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Ramanujan et al.
Application No. : 08/047,164
Filing Date : April 12, 1993
Title : HIGH SPEED BUS SYSTEM

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on
Date: June 26, 1997 Reg. No. 36,197
Signature: *Jong H. Lee*
Jong H. Lee

PETITION UNDER 37 C.F.R. 1.183 TO WAIVE ONE YEAR TIME
PERIOD REQUIREMENT IN 37 C.F.R. 1.137(b)

Sir:

We, Kenyon & Kenyon, are attorneys of record for Digital Equipment Corporation ("Digital"), the assignee of entire interest in the above-identified application.

We are filing herewith a Petition Under 37 C.F.R. 1.137(b) in order to revive the above-identified application which has been unintentionally abandoned. A Terminal Disclaimer for the period of abandonment is also being filed herewith.

In the interest of justice and equity, we hereby petition to waive the one year time period requirement in 37 C.F.R. § 1.137(b) for filing a petition to revive an unintentionally abandoned application, for the reasons stated below.

Express Mail No.: EM272182419US

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In the above-identified application, a final Office Action dated June 30, 1994 was received by Kenyon & Kenyon in July of 1994. At this time, Kenyon & Kenyon was responsible for prosecuting the above-identified application. In order to keep Digital informed, Kenyon & Kenyon promptly reported this Office Action to Digital.

In a letter dated September 7, 1994, Denis G. Maloney, an in-house patent attorney at Digital, informed Kenyon & Kenyon that Digital would directly handle the prosecution of the above-identified application, and that Digital would file a change of address form in the PTO. (See the copy of the letter, attached as Exhibit A).

In response to Mr. Maloney's letter of September 7, 1994, Kenyon & Kenyon marked "Client Will Handle" on the file for the above-identified application and closed the file. (See the copy of the file cover, attached as Exhibit B).

Mr. Maloney of Digital filed a response to the June 30, 1997 Office Action on November 30, 1994, along with a request for a 2-month extension of time to reply to the Office Action. (See the copy of the response and the request for extension of time, attached as Exhibit C). The response and the request for extension of time both listed Digital Equipment Corporation's address as the mailing address. However, Digital did not file an explicit notice of a change of address at this time or at any time thereafter.

It is believed that Digital failed to file an

explicit notice of change of address due to an erroneous belief that mere listing of a new correspondence address in a communication to the PTO was sufficient.

Subsequently, the PTO issued an Advisory Action dated December 22, 1994, which was sent to Kenyon & Kenyon. Because the file had been marked "Client Will Handle" and Kenyon & Kenyon was no longer responsible for prosecuting the above-identified application, Kenyon & Kenyon personnel responsible for docket management did not forward the Advisory Action to a Kenyon & Kenyon attorney, and the Advisory Action was not forwarded to Digital.

On February 1, 1995, the PTO issued a Notice of Abandonment for the above-identified application in view of Applicants' failure to respond to the Advisory Action dated December 22, 1994. Once again, because the file had been marked "Client Will Handle" and Kenyon & Kenyon was no longer responsible for prosecuting the above-identified application, Kenyon & Kenyon personnel responsible for docket management did not forward the Notice of Abandonment to a Kenyon & Kenyon attorney, and the Notice of Abandonment was not forwarded to Digital.

Because Digital never received Advisory Action dated December 22, 1994, and the Notice of Abandonment dated February 1, 1995, Digital took no affirmative action on the above-identified application.

On or around May 13, 1997, Joan Federici, a paralegal at Kenyon & Kenyon, discussed the status of the above-identified application with Joyce Lange of Digital.

At this time, Digital became aware that the above-identified application had been abandoned. (See letter from Joyce Lange to Joan Federici, attached as Exhibit D).

In view of the above-recited course of events, it is respectfully requested that the one-year time period requirement in 37 C.F.R. § 1.137(b) be waived.

The Commissioner is hereby authorized to charge the \$130.00 fee under 37 C.F.R. § 1.17(h) for filing a petition to suspend the rules under 37 C.F.R. § 1.183 to Deposit Account No. 11-0600. The Commissioner is also hereby authorized to charge any additional fees or credit any overpayment in connection with this Petition to Deposit Account No. 11-0600.

Respectfully submitted,

KENYON & KENYON

Date: June 26, 1997

By: 

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